

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CHARLES SMALL,

Plaintiff,

vs.

MATTHEW MARTEL et al.,

Defendants.

CASE NO. 09-CV-913-JM (POR)

**ORDER GRANTING  
DEFENDANTS' EX PARTE  
APPLICATION TO WITHDRAW  
WITHOUT PREJUDICE  
DEFENDANTS' MOTION TO  
DISMISS PLAINTIFF'S  
COMPLAINT**

Doc. No. 18

Defendants filed an application to withdraw without prejudice their motion to dismiss on September 30, 2010, in light of the parties' agreement to attend a settlement conference. (Doc. No. 18.) Having read the foregoing application and good cause showing, the court hereby GRANTS the Defendants' request and orders the motion to dismiss (Doc. No. 3) withdrawn without prejudice. Defendants may re-file their motion to dismiss within thirty days after the December 3, 2010 status conference, if the case does not settle before then.

**IT IS SO ORDERED.**

DATED: September 30, 2010

  
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Hon. Jeffrey T. Miller  
United States District Judge